

FILED

MAR 04 2011

PATRICK E. DUFFY, CLERK

By DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

UNITED STATES OF AMERICA,)	Cause No. CR 07-67-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER DENYING MOTIONS
)	FOR RECONSIDERATION AND
STEVEN RAY RITCHIE,)	TO CORRECT RECORD
)	
Defendant.)	
_____)	

On January 28, 2011, this Court entered an Order denying Steven Ritchie's motion to vacate, set aside, or correct the judgment under 28 U.S.C. § 2255 and denying a certificate of appealability. On February 17, 2011, Ritchie filed a notice of appeal.

On February 28, 2011, Ritchie moved this Court to reconsider its Order and to correct the record under Fed. R. App. P. 10(e).

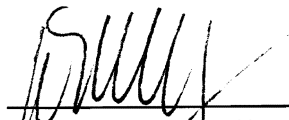
Ritchie dated his motion for reconsideration January 8, 2011 – twenty days

before the Court ruled. Because the postmark is February 24, the motion will be considered timely. Fed. R. App. P. 4(a)(4)(A)(vi). Reconsideration, however, is not warranted. Ritchie's claims lacked merit for the reasons described in the order. When he filed his § 2255 motion, he did not give any indication that he had not presented all of his claims or could not support any claims due to counsel's failure to turn over his file. See Mot. § 2255 & Exs. (doc. 110) at 1-138. He seeks instead an opportunity to "explore [his] case in search of its existence." Calderon v. United States Dist. Court, 98 F.3d 1102, 1106 (9th Cir. 1996) (quoting Aubut v. Maine, 431 F.2d 688, 689 (1st Cir. 1979)). He provides no reason to extend such an opportunity.

Ritchie identifies no aspect of the transcript or record of the case that is incorrect. The Order does not constitute the record, but it accurately reflects the record.

Accordingly, IT IS HEREBY ORDERED that Ritchie's motion to reconsider (doc. 117) and motion to correct the record (doc. 118) are DENIED.

DATED this 4th day of March, 2011.



Donald W. Molloy
United States District Court